

Message Text

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43

ACTION L-03

INFO OCT-01 AF-08 ISO-00 JUSE-00 COME-00 EB-07 PM-04

NSC-05 SP-02 SS-15 CIAE-00 DODE-00 INR-07 NSAE-00

PA-01 USIA-06 PRS-01 /060 W

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R 261205Z APR 76

FM AMEMBASSY TANANARIVE

TO SECSTATE WASHDC 8125

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FOR L/PM

E.O. 11652: N/A

TAGS: PFOR, PGOV, MA

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:

FOREIGN LAWS ON QUESTIONABLE PAYMENTS - MADAGASCAR

REF: STATE 094647

1. FOLLOWING RESPONSE IS KEYED TO QUESTIONS IN REFTEL:

A. YES. MADAGASCAR HAS SPECIFIC PENAL LEGISLATION PUNISHING
OFFER, SOLICITATION, GIVING OR RECEIPT OF MONIES OR OTHER THINGS
OF VALUE TO INFLUENCE OR ATTEMPT TO INFLUENCE OFFICIAL ACTIONS.

B. NO

C. NO

D. NO

E. NO

F. YES. MADAGASCAR HAS SPECIFIC PENAL LEGISLATION PUNISHING
SOLICITATION OR RECEIPT OF MONIES OR OTHER THINGS OF VALUE

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BY ANY PRIVATE EMPLOYEE TO INFLUENCE ACTIONS OF HIS JOB

WITHOUT THE PERMISSION OF HIS EMPLOYER.

2. ARTICLE 177 OF THE MALAGASY PENAL CODE, ISSUED SEPTEMBER 7, 1962, PROVIDES THAT ANY PUBLIC OFFICIAL WHO SOLICITS OR ACCEPTS GRANTS ("DONS") OR GIFTS TO INFLUENCE OFFICIAL ACTIONS SHALL BE PUNISHED BY IMPRISONMENT OF TWO TO TEN YEARS AND BY FINE EQUAL TO DOUBLE THE VALUE OF MONIES OR GIFTS SOLICITED OR RECEIVED; FINE CANNOT BE LESS THAN FMG 75,000 (\$320).

3. SAME ARTICLE PROVIDES THAT ANY PRIVATE EMPLOYEE WHO SOLICITS OR ACCEPTS GRANTS, GIFTS, COMMISSIONS, DISCOUNTS OR FAVORS TO INFLUENCE ACTIONS OF HIS JOB, WITHOUT PERMISSION OF HIS EMPLOYER, SHALL BE IMPRISONED FROM ONE TO THREE YEARS AND FINED \$192 TO \$1,920.

4. ARTICLE 179 OF MALAGASY PENAL CODE PROVIDES THAT ANY PERSON WHO ATTEMPTS TO INFLUENCE ANY PUBLIC OR PRIVATE EMPLOYEE BY THREATS, PROMISES, OFFERS, GRANTS, OR PRESENTS SHALL BE SUBJECT TO SAME PENALTIES AS THE PERSON CORRUPTED, WHETHER OR NOT THE ATTEMPTED CORRUPTION HAD ANY EFFECT.

5. FULL TEXT OF RELEVANT LAWS BEING POUCHED TO L/PM.SHEINBAUM

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, LAW, INTELLIGENCE COLLECTION, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976TANANA00680
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760157-1066
From: TANANARIVE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760421/aaaaarov.tel
Line Count: 84
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 94647
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 30 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 JUN 2004 by ElyME>; APPROVED <14 OCT 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD: FOREIGN LAWS ON QUESTIONABLE PAYMENTS - MADAGASCAR
TAGS: PFOR, PGOV, MA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006